

Fair Political Practices Commission

Memorandum

To: Chairman Randolph, Commissioners Blair, Downey, Karlan, and Knox

From: Mark Krausse, Executive Director

Subject: Legislative Report

Date: March 25, 2004

<i>Action Items</i>		Bills Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 1980 Wolk Ballot Measure Trustees: Prohibited expenditures 2-12-04
Limits contributions to a ballot measure committee controlled by a state candidate to \$21,200. Requires that expenditures by a candidate-controlled ballot measure committee for communications clearly identifying the controlling candidate be made from the portion of a contribution that does not exceed the limit applicable to the controlling candidate. Elections Code amendment provides that expenditures by a candidate-controlled ballot measure committee in support of the candidate controlling that committee, or in opposition to that candidate's opponent, are not within the lawful purposes of the trust. **In Assembly Elections. Bill and analysis attached. Recommendation: Support if amended.**

AB 2842 Leno Contribution limits 2-20-04
Provides that bank loans are not exempt from the \$100,000 personal loan limit imposed on elective state office candidates by Proposition 34. Would double, triple, or lift a legislative candidate's contribution limits based on the amount by which personal funds contributed by an opposing candidate to his or her own campaign exceed the total amount of campaign contributions raised by the candidate. **In Assembly Elections. Bill and analysis attached. Recommendation: No position, but suggest amendments.**

SB 1712 Alpert Online campaign disclosure 2-20-04
Requires the Secretary of State's office to review current filing and disclosure requirements of the Online Disclosure Act of 1997 and report to the Legislature, no later than June 1, 2005, its recommendations on revising requirements so as to promote greater reliance on electronic and online submissions. **In Senate Elections. Bill and analysis attached.**

SB 1849 Karnette Election cycle 2-20-04
Changes the definition of "election cycle" for the purposes of online disclosure from the period of time commencing 90 days prior to an election and ending on the date of the election, to the time commencing with the filing of a committee's statement of organization. Also requires lobbying firm and lobbyist employer reports that are currently filed quarterly to be filed monthly. **In Senate Elections and Reapportionment. Bill and analysis attached.**

<i>Informational Items</i>		Newly Introduced Bill Amending the PRA	
Bill No.	Author	Title	Introduced/Amended

AB 3101 ER&CA Voluntary Expenditure Limits 3-18-04
Provides that a candidate may not change his or her acceptance or rejection of voluntary expenditure limits more than twice after the candidate's initial filing of a statement of intention to be a candidate.

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<i>Informational Items</i>		Bills Amending the PRA, Elections Code	
Bill No.	Author	Title	Introduced/Amended
AB 1784	Wolk	Lobbyists: conflicts with statewide officers	Amended 2-18-04
This bill prohibits a lobbyist from contacting an elected state officer, other than a legislator, with whom the lobbyist has or had a contractual or business relationship, for the purpose of influencing legislative or administrative action. The bill defines contractual and business relationships and requires lobbyists to notify the Secretary of State within 14 days of a contractual or business relationship with an elected state officer. AB 1784 also requires that candidates report a contract or agreement that includes a payment contingent upon the candidate's election to office. In Senate Elections.			
AB 1785	Frommer	Lobbyists: conflicts with legislators	Amended 2-18-04
This bill prohibits a lobbyist from contacting a legislator with whom the lobbyist has or had a contractual or business relationship, for the purpose of influencing legislative or administrative action. Requires lobbyists to notify the Secretary of State within 14 days of a contractual or business relationship with an elected state officer. In Senate Elections.			
AB 2091	Longville	Revolving door ("spot" bill)	2-17-04
Placeholder measure that deletes obsolete anti-revolving-door provisions. In Assembly Elections.			
AB 2818	Pacheco	Disqualifying contributions	2-20-04
Provides that individuals who are members of agencies exempt from disclosure and disqualification related to the receipt of campaign contributions under section 84308 are themselves exempt from that section. Under existing law, these individuals are not exempt if they are acting as voting members of another agency. In Assembly Elections.			
AB 2888	Strickland	Contribution limits ("spot" bill)	2-20-04
Placeholder measure that makes nonsubstantive changes to contribution limit provisions. In Assembly.			
AB 2931	Koretz	Mandatory Campaign Spending Limits ("spot" bill)	2-20-04
Placeholder measure that expresses the intent of the Legislature to enact legislation that would impose mandatory limits on campaign spending. In Assembly.			
AB 2936	Longville	Online and electronic disclosure ("spot" bill)	2-20-04
Placeholder measure that deletes obsolete reference in the PRA. In Assembly Elections.			
AB 2949	Hancock	California Clean Money and Clean Elections Act	2-20-04
Repeals a provision prohibiting public officers from expending or accepting public funds for purposes of seeking elective office, and enacts the California Clean Money and Clean Elections Act of 2004, which would authorize eligible candidates, as defined, to obtain public funds according to specified procedures and requirements, provided that certain thresholds are attained. In Assembly Elections and PUB.S.			
AB 3006	Haynes	Campaign Contributions	2-20-04
Prohibits legislators and constitutional officers from accepting contributions during the period between the annual submission of the Governor's Budget and the enactment of the state budget. In Assembly.			

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<i>Informational Items</i>		Bills Amending the PRA, Elections Code (cont'd)	
Bill No.	Author	Title	Introduced/Amended

SB 1340 Perata Campaign Disclosure Amended 3-22-04

Commission-sponsored measure that would, in addition to other changes, require filing officers for independent expenditure committees to maintain paper independent expenditure reports under the name of the candidate or measure supported or opposed by the independent expenditure. The bill would require retention of campaign records for 5 years, require audits of electronic reports and statements, and create a 4-year statute of limitations for collection of fines. **In Senate Elections.**

SB 1351 Soto Local officials: Conflicts of interest 2-18-04

Prohibits former elected or appointed city and county officials who held a position with a local government agency from appearing before or communicating with that agency if the appearance or communication is made for the purpose of influencing regulatory action. **In Senate Elections.**

SB 1353 Perata Political party committees 2-18-04

Commission-sponsored measure that would, in addition to other changes, revise the definition of state general purpose committees to include a political party committee. **In Senate Elections.**

SB 1449 Johnson Campaign Loans 2-19-04

Prohibits a candidate from loaning more than \$100,000 to his or her elective state office campaign. **In Senate Elections.**

SB 1458 Johnson Public moneys ("spot" bill) 2-19-04

Placeholder measure amending the section prohibiting public officers and candidates from expending or accepting public funds. **In Senate Elections.**

SB 1653 Johnson Conflicts of interest ("spot" bill) 2-20-04

Placeholder measure amending conflict of interest provisions. **In Senate Rules.**

SB 1730 Johnson Primary Elections 2-20-04

Changes the statewide direct primary election from being held on the first Tuesday in March in each even-numbered year, to being held on the last Tuesday in June of each year. **In Senate Elections.**

<i>Informational Items</i> — Two-year Bills Amending the PRA			
Bill No.	Author	Title	Introduced/Amended

AB 890 Wesson Last-term member fundraising Amended 8/28/03

Allows an elected state officer serving his or her last permitted term of office to accept contributions after the date of the election. See also SB 467 (Johnson) on this subject. **Urgency clause. In Senate Elections and Reapportionment. Commission Position: Oppose unless/support if amended.**

AB 1197 Wiggins School Officials: Conflicts of Interest Amended 8/28/03

Includes in the definition of "designated employee" any board member, chief business officer, superintendent, assistant superintendent, deputy superintendent, associate superintendent, chief personnel officer, and general counsel of a public school district or county office of education, and

equivalent positions, and any individual having governance or management responsibility in a charter school. The bill would designate the county board of education as the code reviewing body for charter schools. **Reconsideration granted. To Senate Inactive File.**

SB 604 Perata Cumulative contributions

Amended 2/5/04

Defines "cumulative contributions" to be those contributions received beginning 12 months prior to the date the committee made its first expenditure to qualify, support, or oppose the measure and ending within seven days of the time the advertisement is sent to the printer or broadcast station. Deletes references to telegrams and adds methods for filing, including facsimile transmission and guaranteed overnight delivery. Amended by the author at the request of plaintiffs in Levine v. FPPC to reform the slate mail disclosure statutes at issue in that case. **In Senate Unfinished Business File. Urgency clause. Commission Position: Sponsor.**

SB 641 Brulte Campaign expenditures: telephone advocacy

Amended 7/1/03

This bill would change the definition of "mass mailing" found in the Act from "mail" to a specific definition of what items delivered to a person constitute a mass mailing. It also adds language to the act prohibiting the expenditure by a candidate, committee or slate mail organization for anonymous telephone advocacy for a candidate, ballot measure, or referendum. The author accepted an amendment requested by the Commission to maintain a record of the call's script or in the case of a prerecorded message, a taped copy. This would not apply to telephone calls made by the candidate, campaign manager, or volunteers. The author rejected a Commission sponsored amendment requiring disclosure at the beginning of the call, but took Commission language regarding retention of text or recording of content of message. **Urgency clause. In Assembly Elections. Hearing cancelled.**

SB 1072 Burton Political Reform Act: Late Contributions

Amended 6/9/03

Adds contributions made to or received by a political party committee after the closing date of the last campaign statement required to be filed before an election to the definition of late contribution. **On Assembly Floor. Failed passage, 46-1. Commission Position: Support.**

SCA 14 Vasconcellos Political Reform

Introduced 9-12-03

This bill would establish the FPPC, California Economic Strategy Panel (CESP) and the California Redistricting Commission by constitutional provision. It would establish the Clean Campaign Fund, administered by the FPPC and providing public funds to candidates under certain conditions. It would require the FPPC to license and monitor campaign consultants. It would change voting options and primary election dates. It would increase the number of Senators and Assemblymembers and their terms of office. It would change the voting requirement for General Fund appropriations from a 2/3 vote to a majority vote. It would place additional responsibilities on the CESP. It would make the Legislative Counsel responsible for redistricting, revise redistricting standards and create the CRC for the purpose of advising the Legislative Counsel. **In Senate Rules.**